

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

CAUSE NO. 1:15CR26-LG-RHW-1

DELANO LEWIS

**ORDER REQUIRING THE PARTIES TO SUBMIT BRIEFS
CONCERNING WHETHER DEFENDANT IS ENTITLED
TO AN EXTENSION OF TIME TO APPEAL**

BEFORE THE COURT is the defendant Delano Lewis's Notice of Appeal [20], which the United States Court of Appeals for the Fifth Circuit has construed as a Motion for an Extension of Time to Appeal. The Fifth Circuit has remanded the case to this Court for a determination of whether the extension should be granted. After reviewing the record in this matter and the applicable law, the Court finds that Lewis should be required to provide proof of facts that support his request for additional time to appeal, and the Government should be required to file a response to Lewis's request.

DISCUSSION

On July 15, 2015, Lewis was convicted of one count of conspiracy to possess with intent to distribute cocaine hydrochloride and sentenced to 108 months imprisonment. Lewis filed a Motion [17] seeking a reduced sentence as a result of recent amendments to the drug sentencing guidelines. On April 11, 2016, this Court entered an Order [18] denying Lewis's Motion. Lewis filed a Notice of Appeal [20] on May 19, 2016. He claimed that a prison lockdown prevented him from filing a timely Notice of Appeal. The Fifth Circuit has remanded the case to this Court for

a determination whether Lewis is entitled to an extension of time to appeal. To assist this Court in making this determination, Lewis is ordered to provide proof of facts that support his claim that a lockdown prevented him from filing a timely appeal. Furthermore, the Government is ordered to file a response to Lewis's request.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendant Delano Lewis is ordered to provide proof of facts supporting his request for additional time to appeal by **October 18, 2016**.

IT IS, FURTHER, ORDERED AND ADJUDGED that the Government shall file a response to Lewis's request for additional time by **November 4, 2016**.

SO ORDERED AND ADJUDGED this the 28th day of September, 2016.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.
Chief United States District Judge